

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HYLA GOLD, Individually and on behalf :  
of all others similarly situated as :  
class representative, :  
Plaintiff, :  
:  
-v- :  
:  
CLEAR CHANNEL COMMUNICATIONS, INC. and :  
CLEAR CHANNEL OUTDOOR HOLDINGS, INC., :  
Defendants. :  
:  
-----X

07 Civ. 8204 (DLC)

ORDER

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/23/08</p>
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DENISE COTE, District Judge:

Following the initial pretrial conference in this Fair Labor Standards Act ("FLSA") action, and to accommodate the parties' request to conduct limited discovery in support of early settlement discussions, an Order dated January 22, 2008, directed the parties to conduct an initial phase of fact discovery prior to April 11, 2008, on or before which date the parties were to contact Magistrate Judge Dolinger to pursue settlement discussions under his supervision. In the event those discussions fail to achieve a settlement, a conference is scheduled for June 13, 2008.

On March 3, 2008, plaintiff's counsel wrote a letter to the Court regarding a dispute between the parties concerning this initial phase of discovery, and a series of conference calls were held on March 7, 2008, to address that dispute. At that

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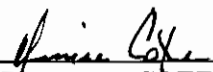
time, plaintiff's counsel requested that the defendants be compelled to produce, during the initial phase of discovery, contact information for all members of the putative class (or, in the alternative, at least for those with the title Local Account Executive), in order to assist in settlement discussions. That request was denied. On March 20, 2008, plaintiff filed a motion for reconsideration of that ruling, and defendants filed opposition on April 10, 2008.

By letter dated April 17, 2008, plaintiff requests permission to withdraw this motion in light of defendants' alleged refusal to conduct settlement discussions regarding two categories of putative class members. Plaintiff requests that this withdrawal be without prejudice to the renewal of the motion during a later stage of the litigation. By letter dated April 21, 2008, defendants oppose this request. It is hereby

ORDERED that plaintiff's motion for reconsideration, filed on March 20, 2008, is denied with prejudice insofar as it seeks reconsideration of the March 7 ruling regarding the scope of the initial phase of discovery.

SO ORDERED:

Dated: New York, New York  
April 23, 2008

  
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DENISE COTE  
United States District Judge